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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,101	01/18/2002	Minoru Nakano	2002_0046A	6540
513 7590 01/04/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER CHAVIS, JOHN Q	
			ART UNIT 2193	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/04/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/050,101	NAKANO, MINORU
	Examiner	Art Unit
	John Chavis	2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 September 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 37-55 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 37-55 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 37-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (5,970,243) and further in view of the applicant's choice of which specific industrial process is performed.

Claims

37. (New) A semiconductor manufacturing System for producing a substrate to be Treated including a controller for Controlling an operation of the Semiconductor manufacturing system by Carrying out a control program according To the following events:

Klein

The applicant claims a semiconductor manufacturing system; however, the actual items claimed appear to resemble components of a method (events, determining and storing, etc.) more than a manufacturing system. Furthermore, it is not clear that anything is produced and that the system merely has the capabilities of producing a substrate. Klein does not specifically indicate the semiconductor manufacturing system for producing a substrate. However, he provides for an industrial controller (see the title and the abstract). Furthermore, it is considered that various types of industrial controllers for controlling industrial processes. A semiconductor manufacturing system is also considered an industrial process and therefore, it is merely considered a choice of design to select a specific industrial process (a semiconductor manufacturing process) and its inherent features. Therefore, it would have been obvious to a person having ordinary skill

in the art at the time of the invention to select a semiconductor manufacturing system as the industrial process for its inherent features such as enabling the growing of film on a substrate to enable creation of a specific circuit.

A standby event...

Since the manufacturing system does Not appear to be a method, means plus function and it is not clear which means is used to implement the event, the feature are not entitled patentable weight in a system claim in which a means or a means plus function is expected. Furthermore, the events listed here and below are considered inherent features in a manufacturing system and therefore, once the manufacturing system is selected (as the industrial process), the events are provided or enabled by default of the selection, as indicated above.

A boat-up event...

" " "

A ramping up event...

" " "

A process event...

" " "

A ramping down event...

" " "

A boat down event...

" " "

A standby event...

" " "

Wherein the controller includes...

The controller is considered part of the System and this feature is considered implemented by Klein's controllers listed in the abstract.

Determining a timing...

See col. 2 lines 14-18.

Storing the control program...

See col. 7 lines 8-17. The memory is also considered part of a system and is

considered implemented via Klein's fig. 5 items 88 and 99. Furthermore, it appears the applicant is only mentioning one control program; therefore, it is not clear what if anything is used to change the original control program. Also, see col. 5 lines 14-19.

38. (New) ...temporarily hold the Control program...

See again item 99 of fig. 8.

In reference to claims 39-43, see the last sentence of the abstract, which

Indicates that a stop point (safe point) must be reached in order to change programs.

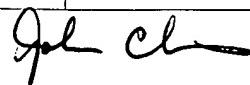
Claims 44-50 and 51-55 are taught by claims 37-43 above.

3. Applicant's arguments with respect to claims 37-55 have been considered but are not persuasive.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (703) 571-3720. The examiner can normally be reached on M-Tue & Th-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 571-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Chavis

Primary Examiner AU-2193